

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
DAVILYN HOSPITALITY, INC. D/B/A :  
STUDIO 6, :  
Plaintiff, :  
: 23-CV-7309 (VSB)  
-against- :  
: **ORDER**  
:  
MT. HAWLEY INSURANCE COMPANY, :  
: 23-CV-7309 (VSB)  
Defendant. :  
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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action relating to an insurance dispute on May 15, 2023 in the District Court of the 260th Judicial District, Orange County, Texas. (Doc. 1-3.) On June 12, 2023, Defendant timely removed the case to the United States District Court for the Eastern District of Texas. (Doc. 1.) On July 28, 2023, District Judge Michael Truncale granted Defendants' unopposed motion to transfer the case to this Court. (Doc. 15.) The case was assigned to me, and on February 14, 2024, I entered a Case Management Plan and Scheduling Order. (Doc. 29.) On July 16, 2024, I stayed discovery, as counsel for Plaintiff informed me of their impending withdrawal of representation. (Doc. 31.) On August 2, 2024, I granted counsel for Plaintiff's motion to withdraw, and ordered Plaintiff to enter an appearance of successor counsel by October 1, 2024. (Doc. 33.) I warned, "If Plaintiff fails to meet these deadlines, I may dismiss the case for failure to prosecute." (*Id.*)

To date, Plaintiff has not entered the appearance of successor counsel or taken any action to prosecute this case. Accordingly, it is hereby:

ORDERED that Plaintiff's claims will be dismissed pursuant to Rule 41(b) if counsel does not file a notice of appearance by November 14, 2024.

SO ORDERED.

Dated: October 10, 2024  
New York, New York

  
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VERNON S. BRODERICK  
United States District Judge